

REMARKS

Claims 1-11, 13-18, and 22-35 were pending in the application. Claims 4, 7, 34 and 35 have been canceled. Claims 1-3, 5, 6, 8-11, 13-17, 22-24, 27, 29 have been amended. Therefore, claims 1-3, 5, 6, 8-11, 13-18, and 22-33 are now pending in this application.

Examiner Interview

Applicant's undersigned representative and the Examiner conducted a telephone interview on October 26, 2009, concerning the current rejections of the pending claims. The Examiner and Applicant's representative discussed amendments similar to those presented herein. The Applicant thanks the Examiner for his courtesy in conducting the interview. Applicant's remarks below reflect the substance of the interview.

Allowable Claims

Claims 3, 4, 18, 31, and 32 are indicated as being allowable if rewritten in independent form. Applicant appreciates the Examiner's indication of the allowability of these claims. Applicant submits herewith that claim 10 (and its dependent claims) is similar to claim 3, because claim 10 recites "replacing each of one or more actual files in the installation package with a dummy file that is the same size as its corresponding actual file."

Section 112 Rejections

Claims 1-11, 13-17, and 22-35 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Office Action at 3. In particular, the Examiner rejected various ones of these claims for reciting "streaming [] the software application." *Id.* Applicant expressed in the interview that it disagrees with this rejection and cited support for these limitations from Applicant's specification. Nevertheless, Applicant has either canceled such claims or amended the claims to recite "streaming [] the installation package," which the Examiner indicated would overcome the § 112 rejections.

Removal of the § 112 rejections is respectfully requested.

Section 103 Rejections

Claims 1-2, 5-11, 13-17, 22-30, 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Holler et al. (U.S. Pub. No. 2003/0004882) in view of Yeung et al. (U.S. Pub. No. 2003/0078959). Applicant submits that the amended claims are patentably distinct over the cited references as set forth below.

Claim 1 recites “converting an installation package usable to install a software application on a target processing system from a first format to a second format” where “said converting includes replacing a first actual file in the installation package with a first dummy file and replacing a second actual file in the installation package with a second dummy file” and where “the first and second dummy files are subsequently replaceable at the target processing system with the first and second actual files, respectively.” Applicant submits that the cited references do not teach or suggest at least these features.

Holler is directed to a “server for stream[ing] applications.” Holler ¶ [0016]. According to Holler, “[t]o achieve this result, [an] application is converted into a form suitable for streaming over a network”; Holler “call[s this form] the Streamed Application Set (SAS).” *Id.* at ¶ [0080]. Holler indicates that its “Streamed Application Set” includes “all the files and directories need to stream to the client” and that “[e]ach file included in [the] Streamed Application Set 2520 is assigned a file number that identifies it within the SAS.” *See id.* at ¶¶ [0298]-[0300].

In the rejection of the previous version of claim 7, the Examiner indicated that “a file number [in Holler] corresponds to a dummy file.” Office Action at 7. As stated in the interview, Applicant disagrees with this contention. While Holler refers to an SAS package having multiple files, Holler ¶ [0300], Applicant submits that none of those files is a “dummy file” (as opposed to an “actual file”) as recited in claim 1. The fact Holler’s files each include identifiers does not make these files “dummy” files, nor can metadata about a file be considered a “file” itself.

Furthermore, Holler does not teach or suggest “replacing a first actual file in the installation package with a first dummy file.” Similarly, Holler also does not disclose that a “dummy file[] [is] subsequently replaceable with the [] actual file[],” as recited in claim 1. Accordingly, Holler does not teach or suggest at least the above-noted features of claim 1. Additionally, Applicant notes that the Examiner does not rely on Yeung for any teaching or

suggestion relating to the recited “dummy files.” Applicant therefore submits that the combination of Holler and Yeung does not teach or suggest each and every feature of claim 1, and thus cannot establish a *prima facie* case of obviousness with respect to claim 1.

For at least the reasons stated above, claim 1 and its dependent claims are patentably distinct over the cited references. Independent claims 8, 14, and 22 (and their respective dependent claims) are believed to also distinguish over the cited references for at least reasons similar to those provided for claim 1.

Claim 10

Claim 10 recites “replacing each of one or more actual files in the installation package with a dummy file that is the same size as its corresponding actual file” (emphasis added). Applicant submits that claim 10 is believed to also distinguish over the cited references for at least reasons similar to those provided for claim 1. Additionally, claim 10 includes limitations similar to those found in the previous version of claim 3, which was indicated as being allowable.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C. Deposit Account No. 501505/6002-08801/DMM.

Also filed herewith are the following items:

- ☒ Request for Continued Examination
- ☐ Information Disclosure Statement
- ☐ Notice of Change of Address
- ☐ Petition for Extension of Time
- ☐ Other:

Respectfully submitted,

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